

# County Attorney

## MISSION STATEMENT

The mission of the Office of the County Attorney is to act as the chief legal officer of Montgomery County government and to conduct all its legal business.

## BUDGET OVERVIEW

The total recommended FY08 Operating Budget for the Office of the County Attorney is \$5,419,260, an increase of \$244,650 or 4.7 percent from the FY07 Approved Budget of \$5,174,610. Personnel Costs comprise 91.4 percent of the budget for 69 full-time positions and seven part-time positions for 44.8 workyears. Operating Expenses account for the remaining 8.6 percent of the FY08 budget.

Not included in the above recommendation is a total of \$3,075,460 and 27.7 workyears that are charged to: Board of Appeals, General Fund (\$72,430, 0.5 WY); Cable Television (\$81,300, 0.5 WY); Finance, General Fund (\$153,710, 1.1 WYs); Finance, Self Insurance Internal Service Fund (\$1,792,750, 17.0 WYs); Health and Human Services, General Fund (\$170,590, 2.2 WYs); Landlord-Tenant Affairs (\$78,720, 0.5 WY); Montgomery Housing Initiative (\$136,890, 1.0 WY); Human Resources, Employee Health Benefit Self Insurance Fund (\$6,000, 0.1 WY); Human Resources, Employee Retirement System (\$41,990, 0.3 WY); Human Resources, Retirement Savings Plan (\$6,000, 0.1 WY); Intergovernmental Relations, General Fund (\$22,220, 0.3 WY); Liquor Control (\$55,750, 0.3 WY); BIT 457 Deferred Comp. Plan (\$59,980, 0.5 WY); Bethesda Parking District (\$14,560, 0.1 WY); Silver Spring Parking District (\$21,840, 0.2 WY); Permitting Services (\$132,800, 1.0 WY); Solid Waste Collection (\$32,200, 0.3 WY); Solid Waste Disposal (\$96,620, 0.7 WY); and Technology Services, General Fund (\$99,110, 1.0 WY). The funding and workyears for these items are included in the receiving departments' budgets.

The Office of the County Attorney was reorganized in FY07. The General Counsel and Special Projects programs were eliminated and five new programs were created including: Health and Human Services; Finance and Procurement; Human Resources and Appeals; Zoning, Land Use and Economic Development; and Public Safety. The Litigation, Support Services and Administration programs remain; workyears and expenditures are realigned consistent with the new organizational structure.

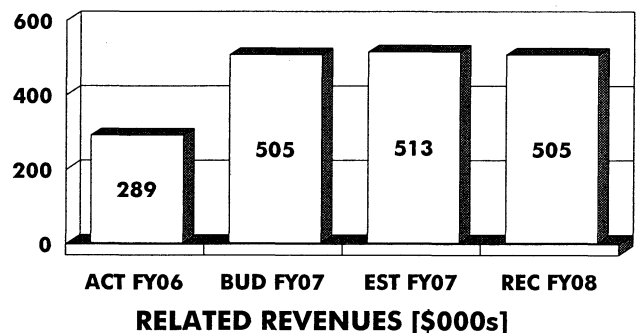
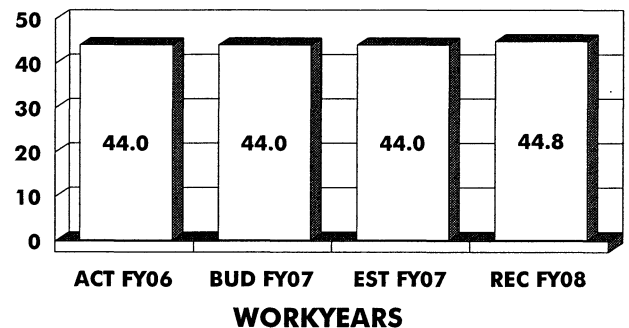
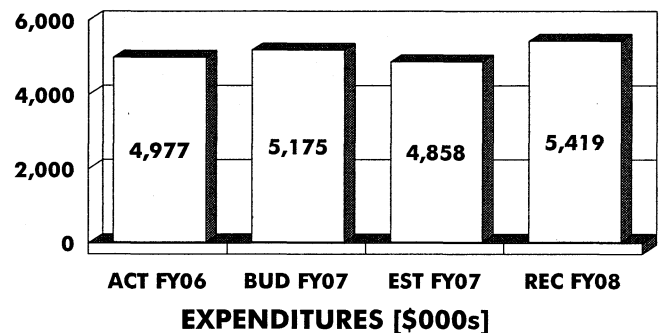
## PROGRAM CONTACTS

Contact Dennis Via of the Office of the County Attorney at 240.777.6715 or Thomas Webster of the Office of Management and Budget at 240.777.2788 for more information regarding this department's operating budget.

## Program Summary

	Expenditures	WYs
Litigation	0	0.0
Health and Human Services	887,720	7.3
Finance and Procurement	1,584,020	15.0
Human Resources and Appeals	1,010,140	5.5
Zoning, Land Use and Economic Development	380,580	4.7
Public Safety	802,760	6.0
General Counsel	0	0.0
Special Projects	0	0.0
Support Services	216,530	3.3
Administration	537,510	3.0
<b>Totals</b>	<b>5,419,260</b>	<b>44.8</b>

## Trends



## PROGRAM DESCRIPTIONS

### Litigation

Provides legal defense for cases involving Montgomery County and fourteen local government Self-Insurance Fund participants (including such entities as the Montgomery County Board of Education, City of Rockville, Maryland-National Capital Park and Planning Commission, Montgomery College and the Housing Opportunities Commission) and all of their employees. The attorneys appear regularly before State and Federal courts in Maryland and the District of Columbia for trials and oral arguments and before the Workers' Compensation Commission. These cases involve litigation in the following areas:

- Common law torts
- Police civil rights claims
- Other Federal and State civil rights - constitutional torts
- Americans with Disabilities Act
- Individuals with Disabilities Education Act
- Workers' compensation
- Employment discrimination

#### FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	133,890	0.0
FY08 CE Recommended	0	0.0

### Health and Human Services

The Attorneys in this division act as counsel and give legal advice to the Department of Health and Human Services, including the Office of the Director and Management Services, Adult Mental Health, Aging and Disability Services, Children Youth and Family Services, Child Welfare Services, Crisis, Income and Victim Services, Emergency Services and Public Health Services. The attorneys also represent Child Welfare Services in the Juvenile Court, in cases involving child abuse and child neglect, and Aging and Disability Services in the Circuit Court, in adult guardianship cases.

#### FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	0	0.0
FY08 CE Recommended	887,720	7.3

### Finance and Procurement

Acts as counsel and gives legal advice to the County Executive, County Council, and to several County departments, agencies, boards, and commissions. The Division represents the County Government in tax and procurement matters before State, Federal, and local administrative agencies and courts; drafts and reviews agreements, legislation, regulations, and other legal documents; conducts negotiations; prepares and issues legal opinions; and collects all monies owed to Montgomery County that have been referred to the County Attorney, including past due real property taxes, personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and miscellaneous amounts billed by the County.

#### FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	0	0.0
FY08 CE Recommended	1,584,020	15.0

### Human Resources and Appeals

Attorneys act as counsel and give legal advice to the following agencies: Montgomery Fire and Rescue Services, Ethics Commission, Board of Investment Trustees, Office of Human Resources, Department of Correction and Rehabilitation, Office of Public Information, Department of Public Works and Transportation (Transit Services Division, Taxicab Unit), Human Rights Commission, Board of Appeals, and the Police Department (Internal Affairs Division). Attorneys also defend or prosecute contested cases involving the County, Self-Insurance Fund agencies, and their employees, while pending before State and Federal appellate courts.

#### FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	0	0.0
FY08 CE Recommended	1,010,140	5.5

### Zoning, Land Use and Economic Development

Represents and advises the County Executive, the County Council, and various County departments, including the Department of Public Works and Transportation, the Department of Housing and Community Affairs, the Department of Economic Development, and the Department of Public Libraries. Represents and advises agencies and commissions, including the Historic Preservation Commission, the Revenue Authority, Community Use of Public Schools, and the Cable Compliance Commission. Advises the County Executive and County Council regarding telecommunications and cable matters. Represents the County with respect to land acquisitions and real estate transactions. Represents the County before Federal, State, and administrative courts. Drafts legal opinions and amendments to the County code and County regulations.

#### FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	0	0.0
FY08 CE Recommended	380,580	4.7

### Public Safety

Acts as counsel and gives legal advice to the Police Department, the Departments of Homeland Security, Environmental Protection, Permitting Services, Consumer Affairs, and Recreation. It also provides counsel to the Office of Landlord and Tenant Affairs, the Board of Licensing Commissioners, the Historic Preservation Commission and the Inspector General's Office. The program represents these entities in contested cases before County Board of Appeals and in both State and Federal courts. The program also drafts and reviews agreements, legislation, regulations and other legal documents. Attorneys from the program conduct negotiations, issue legal opinions,

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and testify before public bodies. It is primarily responsible for the processing and prosecution of code enforcement violations from all departments, agencies, boards and commissions which are presented in the District Court of Maryland.

#### ***FY08 Recommended Changes***

	<b>Expenditures</b>	<b>WYs</b>
<b>FY07 Approved</b>	<b>0</b>	<b>0.0</b>
<b>FY08 CE Recommended</b>	<b>802,760</b>	<b>6.0</b>

#### ***General Counsel***

The General Counsel program was eliminated during the FY07 reorganization of the Office of the County Attorney. Expenditures and workyears previously included in this program are distributed among current programs.

#### ***FY08 Recommended Changes***

	<b>Expenditures</b>	<b>WYs</b>
<b>FY07 Approved</b>	<b>2,422,760</b>	<b>18.0</b>
<b>FY08 CE Recommended</b>	<b>0</b>	<b>0.0</b>

#### ***Special Projects***

The Special Projects program was eliminated during the FY07 reorganization of the Office of the County Attorney. Expenditures and workyears previously included in this program are distributed among current programs.

#### ***FY08 Recommended Changes***

	<b>Expenditures</b>	<b>WYs</b>
<b>FY07 Approved</b>	<b>1,585,850</b>	<b>16.3</b>
<b>FY08 CE Recommended</b>	<b>0</b>	<b>0.0</b>

#### ***Support Services***

Provide administrative, research, and technical guidance and support to the other programs within the Department. The program is designed to allow for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the program staff. The program provides administrative support to the Risk Management Fund, Revenue support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

#### ***FY08 Recommended Changes***

	<b>Expenditures</b>	<b>WYs</b>
<b>FY07 Approved</b>	<b>371,790</b>	<b>6.7</b>
<b>FY08 CE Recommended</b>	<b>216,530</b>	<b>3.3</b>

#### ***Administration***

Provides internal personnel, financial, and operational management for the Office of the County Attorney.

#### ***FY08 Recommended Changes***

	<b>Expenditures</b>	<b>WYs</b>
<b>FY07 Approved</b>	<b>660,320</b>	<b>3.0</b>
<b>FY08 CE Recommended</b>	<b>537,510</b>	<b>3.0</b>

## BUDGET SUMMARY

	Actual FY06	Budget FY07	Estimated FY07	Recommended FY08	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	3,359,782	3,650,790	3,344,660	3,960,930	8.5%
Employee Benefits	934,239	981,680	981,730	993,940	1.2%
<b>County General Fund Personnel Costs</b>	<b>4,294,021</b>	<b>4,632,470</b>	<b>4,326,390</b>	<b>4,954,870</b>	<b>7.0%</b>
Operating Expenses	682,674	542,140	531,860	464,390	-14.3%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>4,976,695</b>	<b>5,174,610</b>	<b>4,858,250</b>	<b>5,419,260</b>	<b>4.7%</b>
<b>PERSONNEL</b>					
Full-Time	66	67	67	69	3.0%
Part-Time	7	7	7	7	—
Workyears	44.0	44.0	44.0	44.8	1.8%
<b>REVENUES</b>					
Child Welfare FFP Federal Reimbursement	195,650	338,960	338,960	338,960	—
Revenue Authority Reimb. for Legal Services	0	74,050	74,050	74,050	—
County Code CD-Rom	0	12,000	0	0	—
County Attorney Collection Fee	14,081	0	8,140	0	—
County Code Subscription Fee	79,723	80,000	92,000	92,000	15.0%
<b>County General Fund Revenues</b>	<b>289,454</b>	<b>505,010</b>	<b>513,150</b>	<b>505,010</b>	—

## FY08 RECOMMENDED CHANGES

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY07 ORIGINAL APPROPRIATION</b>	<b>5,174,610</b>	<b>44.0</b>
<b>Changes (with service impacts)</b>		
Enhance: Additional Full-Time Attorney for the Department of Technology Services	99,110	1.0
Enhance: County Attorney Support to the Department of Liquor Control	55,750	0.3
Enhance: County Attorney Support to the Department of Housing and Community Affairs - Montgomery Housing Initiative Fund	34,220	0.3
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: General Wage and Service Increment Adjustments	247,200	0.0
Increase Cost: Annualization of FY07 Personnel Costs	75,900	0.0
Increase Cost: Retirement Rate Adjustment	14,530	0.0
Increase Cost: Printing and Mail Adjustment	6,260	0.0
Increase Cost: Labor Contracts - Other	2,600	0.0
Increase Cost: Technical Adjustment	0	0.8
Decrease Cost: Group Insurance Rate Adjustment	-17,830	0.0
Decrease Cost: Miscellaneous Operating Expenses	-29,740	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY07	-54,270	0.0
Decrease Cost: Charges to Other Departments	-189,080	-1.6
<b>FY08 RECOMMENDED:</b>	<b>5,419,260</b>	<b>44.8</b>

## FUTURE FISCAL IMPACTS

Title	CE REC. FY08	FY09	FY10	(S000's) FY11	FY12	FY13
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY08 Recommended</b>	<b>5,419</b>	<b>5,419</b>	<b>5,419</b>	<b>5,419</b>	<b>5,419</b>	<b>5,419</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>442</b>	<b>884</b>	<b>924</b>	<b>924</b>	<b>924</b>
These figures represent the annualization of service increments, general wage adjustments, and associated benefits. Estimated compensation (e.g., general wage adjustments and service increments) for personnel are included for FY09 and beyond.						
<b>Labor Contracts - Charges to Other Departments</b>	<b>0</b>	<b>-144</b>	<b>-288</b>	<b>-301</b>	<b>-301</b>	<b>-301</b>
These figures represent the annualization of service increments, general wage adjustments, and associated benefits for staff charged to other departments. Estimated compensation (e.g., general wage adjustments and service increments) for personnel are included for FY09 and beyond.						
<b>Labor Contracts - Other</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
These figures represent other negotiated items included in the labor agreements.						
<b>Central Duplicating Deficit Recovery Charge</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>-2</b>	<b>-2</b>	<b>-2</b>
Departments will be assessed a per-employee charge to recover Central Duplicating's negative fund balance by the end of FY09.						
<b>Subtotal Expenditures</b>	<b>5,419</b>	<b>5,721</b>	<b>6,018</b>	<b>6,043</b>	<b>6,043</b>	<b>6,043</b>

COUNTY ATTORNEY

<b>PROGRAM:</b> Special Projects	<b>PROGRAM ELEMENT:</b> Debt Collection				
<b>PROGRAM MISSION:</b> To provide timely and efficient collection of delinquent monies owed to Montgomery County					
<b>COMMUNITY OUTCOMES SUPPORTED:</b> <ul style="list-style-type: none"><li>• Provide high value for tax dollars</li><li>• Ensure respect for the law</li><li>• Ensure accountability</li></ul>					
<b>PROGRAM MEASURES</b>					
<b><u>Outcomes/Results:</u></b>	<b>FY04 ACTUAL</b>	<b>FY05 ACTUAL</b>	<b>FY06 ACTUAL</b>	<b>FY07 BUDGET</b>	<b>FY08 CE REC</b>
Delinquent funds collected (\$000)	16,789	6,700	12,500	8,000	8,000
<b><u>Service Quality:</u></b>					
Average time to close a case (days)	847	904	683	708	708
Percentage of cases closed	26	49	45	28	28
<b><u>Efficiency:</u></b>					
Cost per closed case (\$)	50.55	46.09	79.32	105.83	110.00
Delinquent funds recovered per closed case (\$)	1,855.55	708.77	1,626.12	1,333.33	1,333.33
Delinquent funds recovered per dollar expended (\$)	36.71	15.38	20.50	12.60	12.12
<b><u>Workload/Outputs:</u></b>					
Total cases opened	10,203	8,027	7,954	6,500	6,500
Total cases closed	9,048	9,453	7,687	6,000	6,000
<b><u>Inputs:</u></b>					
Expenditures (\$)	457,367	435,695	609,742	635,000	660,000
Workyears	8.0	8.0	8.0	8.0	8.0